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June 23, 2003



U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Patent Application
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Re: New Divisional Patent Application in U.S.
Applicant(s): Yasuo MOTOYAMA, et al.
Title: GENES FOR DETECTING BACTERIA AND A METHOD...
Att'y's Docket: MOTOYAMA 1A

Sir:

Attached herewith is the above-identified application for Letters Patent including:

- ☒ Application Data Sheet
- ☒ Specification (39 pages), claims (3 pages) and abstract (1 page)
- ☒ 1 Sheet Drawings (Figures 1-2)
 - ☒ FORMAL ☐ Informal
- ☒ Declaration and Power of Attorney (2 page(s))
 - ☐ Newly executed ☒ Copy from prior application no. 09/762,633
- ☐ Preliminary Amendment
 - ☐ Computer-readable Sequence Listing
- ☐ Supplemental Preliminary Amendment
- ☐ Information Disclosure Statement with SB/08A and ___ references
- ☐ Applicant claims small entity status. See 37 C.F.R. §1.27.
- ☐ A check (check no. _____) in the amount of \$ _____ to cover:

In re of MOTOYAMA 1A

- [X] Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$ 750.00 to cover:
[X] The filing fee calculated as follows (including any preliminary amendment for entry prior to calculation of the filing fee):

CLAIMS AS FILED				
FOR	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$ 750.00
TOTAL CLAIMS	13 - 20	= 0	x 18	
INDEPENDENT CLAIMS	3 - 3	= 0	x 84	--
[] Multiple Dependent Claim Presented			+ 280	--
[] Reduction of 1/2 for Small Entity				
TOTAL FILING FEE				\$ 750.00

- [] Other Fees: _____
[] Other Attachments: _____
[X] Return Receipt Postcard (in duplicate)

The following statements are applicable:

- [] Applicant hereby requests that this application not be published pursuant to 35 U.S.C. §122(a). It is certified on behalf of applicant that the invention disclosed in the application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.
- [] The benefit under 35 USC §119 is claimed of the filing date of:
Application No. 10/227,177 in Japan on August 11, 1998. A certified copy of said priority document [was filed in progenitor case 09/762,622 on February 12, 2001, which is the national stage of PCT/JP99/04341 filed August 11, 1999.
- [X] The present application is a Division of prior Application No. 09/762,622, filed February 12, 2001. Although this application is stated to be a CIP, applicant does not concede that any matter is presented in this application which is not present in the parent.
- [X] The paper copy of the Sequence Listing in this application is identical to the computer-readable copy of the Sequence Listing filed in application no. 09/762,633, filed August 16, 2001. In accordance with 37 CFR §1.821(e), please use the last-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing is included in the originally-filed specification of the instant application (or included in a separately filed preliminary amendment for incorporation into the specification).

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- ☒ The application is (or will be) assigned to: ASAHI BEVERAGES, LTD. whose address is 7-1 Kyobashi 3-chome, Chuou-ku, Tokyo, Japan 104-0034.
- ☒ Incorporation By Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ Pursuant to 37 C.F.R. §1.63(d)(2), please delete as inventor(s) the name(s) of , who is/are not inventor(s) in the present divisional application.
- ☒ Certain documents were previously cited or submitted to the Patent and Trademark Office in the following prior application 09/762,633, which is relied upon under 35 USC §120. Applicants identify these documents by attaching hereto a form PTO-1449 listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per Section 1.98(d), copies of these documents need not be filed in this application.
- ☒ As in the parent application 09/762,633, please associate the present application with **Customer No. 001444** and recognize only the practitioners associated therewith.
- ☒ The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayments to Deposit Account No. 02-4035:
 - ☒ Any additional filing fees required under 37 CFR §1.16.
 - ☒ Any patent application processing fees under 37 CFR §1.17.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees, based on any paper filed during the pendency of this application or any CPA thereof, to effect any amendment, petition, or other action requested in said paper or credit any overpayments to Deposit Account No. 02-4035:
 - ☒ Any patent application processing fees under 37 CFR §1.17.
 - ☐ The issue fee set in 37 CFR §1.18 at or before mailing the Notice of Allowance, pursuant to 37 CFR §1.311(b).
 - ☒ Any filing fees under 37 CFR §1.16 for presentation of extra claims.
 - ☒ If a paper is untimely filed in this or any CPA thereof by Applicant(s), the Commissioner is hereby petitioned under 37 CFR. §1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR §1.17 to Deposit Account 02-4035.
- ☒ The Commissioner is hereby authorized to credit any overpayment of fees accompanying this paper to Deposit Account No. 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.

By 

Anne M. Kornbau

Registration No. 25,884

AMK:nmp

PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

06/24/2003 HMARZI1 00000065 10600642

01 FC:1001 750.00 OP

06/24/2003 HMARZI1 00000066 024035 10600642

01 FC:1203 280.00 DA